

1
2 CIV533328
3 CMO
4 Case Management Order
5 1740093



FILED
SAN MATEO COUNTY

APR 02 2019

Clerk of the Superior Court
By: SECURITY CLERK

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN MATEO

SIX4THREE LLC,

Plaintiff,

vs.

FACEBOOK, INC., et al.

Defendants.

Case No. CIV533328

CASE MANAGEMENT ORDER NO. 22

Assigned for All Purposes to
Hon. V. Raymond Swope, Dept. 23

Dept.: 23

Action Filed: April 10, 2015

In the Order re: Defendant FACEBOOK, INC.'s ("Defendant" or "Facebook") Motion to Open and to Compel, issued March 15, 2019, the Court ruled it would appoint a neutral third party forensic examiner because of [Plaintiff SIXTHREE, LLC ("Plaintiff" or "Six4Three")] and its counsel's "expressed concern that the forensic examiner, Stroz Friedberg, is not truly a neutral third party forensic examiner because Facebook has refused to relinquish seeking Stroz Friedberg's expertise in this and other matters." (Order, issued Mar. 15, 2019, p. 13:24-26 ("March 15 Order").)

Pursuant to the March 15 Order and a joint request for an extension, Six4Three and Facebook filed a Joint Submission Regarding Forensic Examiner on March 27, 2019.

IT IS HEREBY ORDERED as follows:

1. The Court appoints J. Christopher Racich, President of Vestigant, as the neutral third party forensic examiner ("Forensic Examiner"). Costs for the retention and services of the Forensic Examiner will be initially borne solely by Facebook due to Six4Three's inability to pay, without prejudice to Facebook seeking reimbursement from Six4Three at a future date.

2. No later than April 16, 2019, the Forensic Examiner and Stroz Friedberg shall

1 facilitate the transfer of all data and documents collected in this action, including but not limited to
2 any data collected and/or preserved from each of the devices and accounts identified in Stroz
3 Friedberg's checklist (see Order no. 2 re: Destruction or Return of Facebook Information and
4 Certification, issued Jan. 16, 2019, p. 2:22-24, 3:15-17, 4:15-17, 5:1-3), from Stroz Friedberg to the
5 Forensic Examiner so that it is no longer in the possession, custody, and/or control of Stroz
6 Friedberg (collectively "Preserved Data").

7 3. The Forensic Examiner shall take all measures to restrict access to, maintain chain
8 of custody, and to preserve the Preserved Data.

9 4. The Forensic Examiner is authorized to index and/or organize the Preserved Data, in
10 such a way, in preparation of conducting searches on the Preserved Data at a future date pursuant to
11 further order of the Court. (See March 15 Order, *supra*, at p. 13:21-23.) The Forensic Examiner is
12 authorized to duplicate the Preserved Data to maintain the preservation and chain of custody of the
13 original Preserved Data.

14 5. The Forensic Examiner shall not disclose any of the Preserved Data to any party,
15 non-party, person or entity, until further order of the Court.

16 6. No later than April 16, 2019, Stroz Friedberg shall file and serve a declaration of
17 compliance that enumerates all devices and accounts that it has imaged and preserved and
18 transferred to the Forensic Examiner and certifies that the Preserved Data, in all or part, is no longer
19 in its possession, custody, or control.

20 7. Stroz Friedberg shall maintain all documents pertaining to chain of custody of the
21 Preserved Data until further order of the Court.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 8. The order for Stroz Friedberg to refrain from disclosing, discussing, or revealing any
2 information obtained from the Preserved Data in its possession, custody, or control outside of further
3 order of the Court shall remain in effect.

4

5 IT IS SO ORDERED.

6

7 DATED: April 2, 2019

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28



Honorable V. Raymond Swope
Judge of the Superior Court